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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/629,117	07/31/2000	Howard Marantz	30566.112-US-U1	4975
22462	7590	08/19/2005	EXAMINER	
GATES & COOPER LLP HOWARD HUGHES CENTER 6701 CENTER DRIVE WEST, SUITE 1050 LOS ANGELES, CA 90045			BOUTAH, ALINA A	
			ART UNIT	PAPER NUMBER
			2143	

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/629,117

Applicant(s)

MARANTZ ET AL.

Examiner

Alina N. Boutah

Art Unit

2143

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 27 July 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 11, 12, 23, 24, 35-37, 41, 45 and 49.
Claim(s) withdrawn from consideration: 1-10,13-22,26-34,38-40,42-44 and 46-48.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☒ Other: MSN Encarta Online Dictionary: definition of 'map'.


DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Continuation of 11. does NOT place the application in condition for allowance because: As stated in the previous Office action, Figure 5 of Berstis illustrates a map as well as a photographic image of a physical area of a location on a PDA. The combination of the photo and the map is interpreted as a "mapset." According to MSN Encarta dictionary, a map is defined as "geographic diagram: a visual representation that shows all or part of Earth's surface with geographic features, urban areas, roads, and other details" or "drawing showing route or location: a diagrammatic drawing of something such as a route or area made to show the location of a place or how to get there." This definition describes what appears on figure 5 of Berstis, which is a zoom-in picture of a map, showing an intersection of a road. As to whether or not the mapset was constructed prior to the PDA requesting the data, col. 2, lines 43-51 of Berstis discloses image contents being collected and stored on given physical media such as a server, which is transferred to a user's computer for display. The collection and storage imply that these images are created prior to the PDA requesting the data.

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Dictionary

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map

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Dictionary Thesaurus Translations *

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z



map

Mao suit

MAOI

Maoism

Maori

Maori hen

Maori warden

Maoritanga

MAP

► map

map out

map projection

map reading

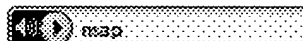
map turtle

mapepire

maple

Maple Leaf

maple sugar



map [map]

noun (*plural* maps)

Definitions:

1. geographic diagram: a visual representation that shows all or part of the Earth's surface with geographic features, urban areas, roads, and other details

2. diagram of stars: a representation of the stars or the surface of a planet, usually in the form of a diagrammatic drawing

3. drawing showing route or location: a diagrammatic drawing of something such as a route or area made to show the location of a place or how to get there

4. MATHEMATICSSame as **function** (sense 6)[Print Preview](#)[See pronunciation key](#)[Search for "map" in all of MSN Encarta](#)[Download the MSN Encarta Right-Click Dictionary](#)[Quizzes](#)[Columns](#)[Top 10 Lists](#)[Newsletter](#)[On This Day](#)[Multimedia](#)[E](#)[M](#)[V](#)

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